

REMARKS

Claims 1-6 and 12-32 are amended hereby. No claims are canceled or added. Accordingly, after entry of this Amendment, claims 1-32 will remain pending. Claims 1-32 are currently being examined.

In the Office Action dated February 3, 2006, the Examiner indicated that the previous Restriction Requirement has been withdrawn. Accordingly, the Examiner considered all of claims 1-32. The Applicant would like to thank the Examiner for having withdrawn the Restriction Requirement.

In the Office Action, the Examiner noted that the specification contains at least one error and possibly others. In response, the Applicant has amended the specification to address the typographical error identified by the Examiner and to correct one further typographical error. The Applicant respectfully requests, therefore, that the Examiner withdraw the objection to the specification.

In the Office Action, the Examiner rejected claims 1-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. In response, the Applicant has amended claims 1-6 and 12-32 and respectfully submits that each of the rejections have been addressed. Should the Examiner maintain that one or more of the claims should be rejected under 35 U.S.C. § 112, second paragraph, the Examiner is invited to contact the Applicant's representative.

In the Office Action, the Examiner also rejected claims 1-10, 12-15, 16, 18, 19, 20, 22, 28, and 31 under 35 U.S.C. § 102(b) as being anticipated by Wada et al. (U.S. Patent No. 4,950,054). Next, the Examiner rejected claims 1-10, 12-15, 16, 18, 19, 20, 22, 23, 28, 31, and 32 as being anticipated by Iijima et al. (U.S. Patent No. 5,144,492). Claims 1-10, 12-15, 16, 18, 19, 20-22, 28, and 31 also were rejected under 35 U.S.C. § 102(b) as being anticipated by Hamano (U.S. Patent No. 6,392,816). In addition, claims 1-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ide et al. (U.S. Patent Application Publication No. 2002/0101646). Further, claims 1-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nishioka (U.S. Patent No. 6,437,925) (hereinafter "Nishioka '925"). The Examiner also rejected claims 1-32 under 35 U.S.C. § 102(e) as being anticipated by Wakai et al. (U.S. Patent Application Publication No. 2004/0190154). Next, claims 1-32 were rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Nishioka (U.S. Patent No. 6,865,009) (hereinafter "Nishioka '009"), Sekiyama et al. (U.S. Patent No.

6,801,370), Hishioka (U.S. Patent No. 6,791,741), and Nishioka (U.S. Patent No. 6,738,199) (hereinafter "Nishioka '199"). Moreover, the Examiner rejected claims 1-9, 11-20, 22, 23, 28, and 30-32 on the ground of nonstatutory obviousness-type double-patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,437,925. Claims 1-23, 28, and 30-32 were rejected on the ground of nonstatutory obviousness-type double-patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,738,199. The Applicant respectfully disagrees with each of these rejections and, therefore, respectfully traverses the same.

In addressing the Examiner's rejections, the Applicant first addresses the rejections on the ground of nonstatutory obviousness-type double-patenting. Specifically, the Applicant respectfully requests that the Examiner hold these rejections in abeyance until after all changes to the claims have been made with respect to others of the Examiner's rejections or in response to future rejections asserted by the Examiner. The Applicant respectfully submits that the claims may be amended during prosecution so that the rejections on the grounds of nonstatutory obviousness-type double-patenting no longer apply. Accordingly, the Applicant respectfully requests that these rejections be held in abeyance until the point in prosecution where only these rejections remain or are overcome.

With respect to the remaining rejections, the Applicant notes that claims 1, 2, 4-6, 12-16, 22, and 32 are independent claims. Claims 7-11 depend from claim 1. Claims 3, 17-21, and 23-31 depend from claim 2.

Claims 1 and 4-11 are patentably distinguishable over several of the references cited by the Examiner because they recite optical apparatuses that combine a number of features including, among them, a variable optical-property element, a ray-deflecting function of the variable optical-property element being changeable itself. In Wada et al., Iijima et al., and Hamano, the optical systems include optical systems in which one or more lenses are moved. In each case, there is no variable optical-property element where the ray-deflecting function is changeable. Accordingly, these three references do not disclose each and every feature recited by claims 1 and 4-11 and cannot anticipate those claims.

With respect to claims 2-3 and 12-32, each of these claims recite optical apparatuses that combine a number of features including, among them, an electronic zoom function where an image formed on the image sensor by the optical system is magnified by the image processor. In each of Wada et al., Iijima et al., and Hamano, zooming is performed by moving the lenses. There is no discussion, therefore, of at least this claimed feature. As a

result, the three references do not describe each and every feature of claims 2-3 and 12-32 and, therefore, cannot anticipate those claims.

Next, the Applicant respectfully submits that claims 1, 4, and 7-11 are patentably distinguishable over Ide et al., Nishioka '925, Wakai et al., Nishioka '009, Sekiyama et al., Nishioka '741, and Nishioka '199 because these claims recite optical apparatuses that combine a number of features including, among them, a separable partial optical system. Each of the references listed describe what those skilled in the art would consider to be unified, integral optical systems. Accordingly, none of the references describe devices that include, among other features, a separable partial optical system. As a result, none of the cited references describe each and every feature recited by claims 1, 4, and 7-11 and cannot anticipate those claims.

Claims 5 and 6 also are patentably distinguishable over Ide et al., Nishioka '925, Wakai et al., Nishioka '009, Sekiyama et al., Nishioka '741, and Nishioka '199 because these claims recite optical apparatuses that combine a number of features including, among them, a plurality of optical units. As discussed above, each of the cited references describe what those skilled in the art would consider to be unified, integral optical systems. Accordingly, none of the references describe devices that include, among other features, a plurality of optical units. As a result, none of the cited references describe each and every feature recited by claims 5 and 6 and cannot anticipate those claims.

Claims 2-3 and 12-32 are patentably distinguishable over Ide et al., Nishioka '925, Wakai et al., Nishioka '009, Sekiyama et al., Nishioka '741, and Nishioka '199 because these claims recite optical apparatuses that combine a number of features including, among them, an electronic zoom function in which an image formed on the image sensor by the optical system is magnified by the image processor. In each of the cited references, zooming is performed by moving the lenses. Accordingly, each of the references fail to describe each and every feature recited by claims 2-3 and 12-32. As a result, none of the cited references can be considered to anticipate claims 2-3 and 12-32.

Each of the rejections having been addressed, the Applicant respectfully requests that the Examiner reconsider the rejections of the claims, withdraw the rejections, and pass this application quickly to issuance.

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over payments to the above-referenced Deposit Account. Early favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Jeffrey D. Karceski", with a long horizontal line extending to the right.

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